

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Hill Spring Drive, 163' at * DEPUTY ZONING COMMISSIONER
the end of a 12' R/W, 245' +/-
N of Stony Meadow Court * OF BALTIMORE COUNTY
(8527 Hill Spring Drive)
8th Election District * Case No. 89-152-A
3rd Councilmanic District
Charles E. Rosch, Jr.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 8527 Hill Spring Drive, is zoned D.R. 2 and is improved with a single family dwelling. Petitioner proposes constructing an inground swimming pool, but due to the irregular shape of the subject property and location of utility easements, the proposed pool cannot be constructed without the requested variance. Petitioner has spoken with the adjoining property owners who indicated that there have no objection. By letter dated October 17, 1988, the Office of Planning and Zoning recommended approval of the requested variance provided Petitioner landscape and buffer the property as depicted in the Plat attached to said comments. Testimony indicated the proposed variance will not result in any detriment to the health, safety and general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of November, 1988 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall landscape the property around the fence in a manner approved by the Office of Current Planning, Landscape Planner, and at a minimum as set forth on the plat submitted by the Office of Planning and Zoning with their comments dated October 17, 1988, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Charles E. Rosch, Jr.
Zoning Petition No. 89-152-A

The applicant is requesting a variance to allow an accessory structure (pool) to be located in the side yard rather than the rear yard. In reference to the applicant's request, staff provides the following comments:

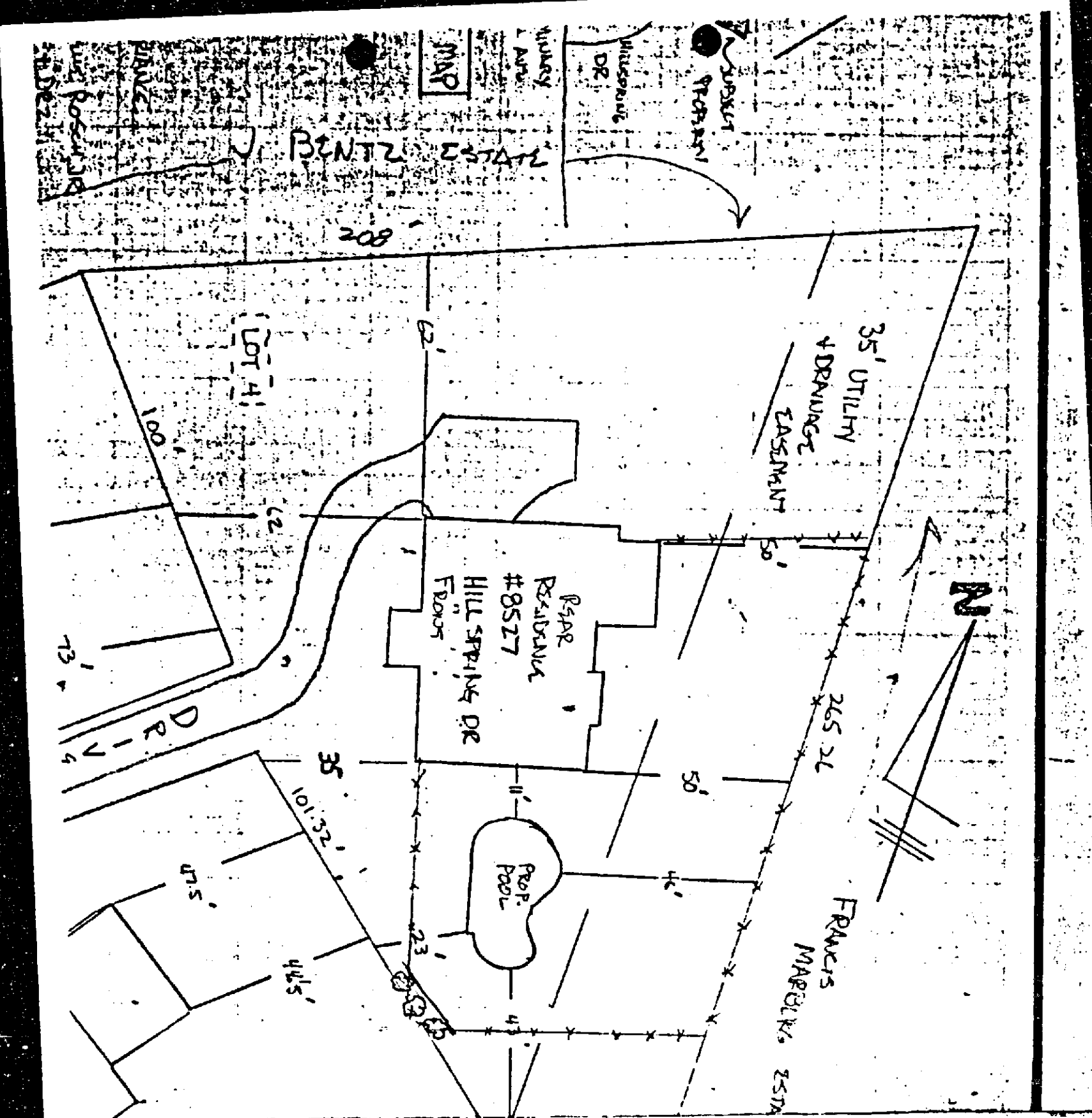
- The applicant's parcel is a panhandle lot that is irregularly shaped. The house is situated at the center of the lot, thus creating a locational problem for accessory structures. The proposed pool can only be located on the north or south side of the parcel. In addition to providing a pool, the applicant will also be fencing the pool. The fencing of the pool will be geometrically aligned (right-angles) to the house and follow the rear property line. The fence will border lot No. 3 property line at the southwest corner of the applicant's property. Staff's only concern regarding this proposal is the proximity of the fencing to the lot 3 property line. Staff would suggest that some landscape buffering be provided at this location between the applicant's fence and the lot No. 3 property line.

Base upon the information provided and analysis conducted, staff recommends approval of the request subject to the condition noted (see attached sketch).

FK/sf

Attachment

RECEIVED ZONING OFFICE
DATE: 10/17/88



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

November 2, 1988

Mr. Charles E. Rosch, Jr.
1647 Glen Eagle Road
Baltimore, Maryland 21239

RE: PETITION FOR ZONING VARIANCE
E/S Hill Spring Drive, 163' at the end of a 12' R/W,
245' +/- N of Stony Meadow Court
(8527 Hill Spring Drive)
8th Election District - 3rd Councilmanic District
Charles E. Rosch, Jr. - Petitioner
Case No. 89-152-A

Dear Mr. Rosch:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow an accessory structure (pool) to be located in the sideyard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

No Room in Back Yard to Place Pool Due to Utility Easement
THE SIDE YARD LOCATION IS THE ONLY PLACE WE CAN PUT

Property is to be posted and advertised as prescribed by Zoning Regulations.

Form with fields for: BALTIMORE COUNTY, MARYLAND; NAME: CHARLES E. ROSCH, JR.; ADDRESS: 1647 GLEN EAGLE RD; CITY AND STATE: BALTIMORE, MD; PHONE NO.: 301-537-0084; and other personal information.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of November, 1988.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of October, 1988 at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Zoning Description

Located on the east side of Hill Spring Dr. 163 ft. at the end of a 12 ft right-of-way, such driveway being located 245 ft. ± north of Stony Meadow Court. Being Lot 4 (plat 2) in the subdivision of The Hillside AT Seminary, Book 53 Folio 74. Also known as 8527 Hill Spring Drive in the 8th Election District.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 17, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Sept. 29, 1988.

THE JEFFERSONIAN,

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from Section 400.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Petitioner: Charles E. Rosch, Jr.
Case Number: 89-152-A
Address: 1647 Hill Spring Dr., Baltimore, MD 21239
Hearing Date: Friday, Oct. 21, 1988 at 2:00 p.m.
Variance to allow an accessory structure (pool) to be located in the sideyard in lieu of the required rear yard.
In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the appeal period for good cause shown. Such request must be in writing and received in the office of the Zoning Commissioner on or before the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
9407 Sept. 20

PO# 05102
Reg# M20328
Price \$87.86

CERTIFICATE OF POSTING

District: 8th
Posted for: Variance
Petitioner: Charles E. Rosch, Jr.
Location of property: E/S Hill Spring Drive, 163' at the end of 12' R/W, 245' N of Stony Meadow Court (8527 Hill Spring Drive)
Location of Sign: In front of 8527 Hill Spring Drive
Remarks:
Posted by: S. J. Arata
Number of Signs: 1
Date of return: October 7, 1988

